SCOTTISH STATUTORY INSTRUMENTS

2015 No. 95

The National Health Service Pension Scheme (Transitional and Consequential Provisions) (Scotland) Regulations 2015

PART 2

Transitional provisions

CHAPTER 4

Contributions and final pay

Flexibility earnings credit : adjustment of pension payable

21.—(1) Where pension benefits are payable under the old scheme, the amount payable is adjusted as follows.

(2) As regards the element of pension payable under the old scheme in respect of service as an officer, the member is entitled only to the higher of—

(a) the amount of pension actually payable under the old scheme in respect of service as an officer;

(b) the amount of pension payable under the old scheme—

(i) as if the member's period of pensionable service as an officer were treated as pensionable service as a practitioner, and

(ii) as though the uprated flexibility earnings credit were treated as pensionable earnings as a practitioner for that period,

and the provisions of paragraphs 11 and 19 of Schedule 1 to the 2011 Regulations and Part 4 of the 2008 Section do not apply.